

Walter (R.) Early ed. K

An Authentick

C O P Y

Of the Last

Will and Testament

Of the R—t Ho—ble

R***** E-l of O*****.

WITH

R E M A R K S.



L O N D O N:

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REMARKS

ON THE

CHARACTER of the late Earl of ORFORD.

IT has been a common remark, that we seldom know how to form a just idea of a person while living, a remark that relates, in a peculiar manner to the conduct of the great, and especially to those who are employ'd in conducting the affairs of states and empires; and indeed nothing can be more just than this observation; for those actions which at the first view strike us with indignation, and fill the mind with uneasy perturbations, frequently upon a closer examination, not only lose all their turpitude, but change our abhorrence of the author into respect and admiration. For this reason those who stand at the helm of affairs, are sure to incur the censure of the publick: the secrecy which the politician is obliged to observe, the number of minute cir-

cumstances improper to be revealed, and the danger of frustrating all his designs, by their being discovered before they are brought to maturity, make him wrap up the motives to his actions in the darkest obscurity: while we, jealous of our liberties, and judging only by appearances, too rashly throw about our censures, and perhaps clothe with ignominy those very proceedings, which, if we were better acquainted with, would raise in our minds the highest regard for him we condemn.

This observation is confirmed, and justified by the voice of the people since the death of that great man who has lately quitted the theatre of the world. A politician whose abilities were inferior to none. A politician whose greatness had, for a long time raised him the envy of those who aspired to rise upon his fall, and thro' their means, the hatred, not only of the rabble, but of the lovers of liberty, and the honest well-wishers to their country.

Never

Never, sure, was any man's character painted in such opposite lights as the Earl of *Orford's*; on the one hand, he has been represented as equally a friend to his prince and his country; on the other, as a sycophant to his prince and a robber of his country: on the one hand, as a man of an honest, generous heart; and on the other, as a wretch who had raised his greatness on his country's ruin; and who by his address had raised a fortune, from low beginnings, sufficient to glut the most rapacious mind. These charges have been often repeated, and urged with all the virulence of a party spirit, chiefly by those men, who after appropriating to themselves the title of patriots, no sooner found means to exclude him from the management of publick affairs, than they followed his steps, and even carried the measures they had so often and publickly censured, to far greater lengths. What then could the people think of such notorious insincerity? They saw them-

themselves abused by those they had loved as their friends, and revered as the guardians of their liberties. But what must they think, when they find that this great man, who, they have been told, had amass'd a fortune not inferior to that of the greatest prince in *Europe*, died in circumstances inferior to many of our tradesmen? That he who had raised so many families, had, in a great measure, neglected his own? That after twenty years close application to the Business of a nation, with all the opportunities for acquiring an immense fortune, he should be able to leave a daughter for whom he had the tenderest affection, no more than he himself received from her mother. This indeed is astonishing, and we may venture to affirm, that this proof of his moderation, will fill the children of those who now treat his memory with contempt, with the highest admiration.

Nay, the evidence begins to grow so strong in his favour, that his greatest enemies,

enemies, who never allow'd him one
 virtue when living, have had the inge-
 nuity to pay him their tribute of praise,
 and to confess that he was distinguish'd
 by many shining virtues. the author of
 the *Westminster Journal*, who it must
 be allowed, is far from being disposed
 to pay unnecessary honours to the me-
 mory of the Earl of *Orford*, is struck
 with the lustre of part of his character,
 and like a man of true integrity, has
 done him the justice to give him those
 praises which he thought his due. " Ne-
 " ver did any man, says he, profess
 " more zeal for the *British* constitu-
 " tion, for the protestant succession in
 " the illustrious house of *Hanover*, for
 " the preservation of our liberties civil
 " and religious, than the late E. of *Orford*,
 " from his first appearing in the house
 " of commons: and this too, at a time
 " when he was far from having an am-
 " ple fortune, a fortune to raise him
 " above dependance, or support him
 " against the temptations of men in
 " power,

“ power.” And again, “ Upon the
 “ whole, that he was a tender parent, a
 “ kind master, a beneficent patron, a
 “ firm friend, an amiable companion,
 “ are points that have been seldom dis-
 “ puted when Sir *Robert Walpole*, or
 “ the E. of *Orford* has been mentioned.”

What a fine panegyrick is this from an enemy! but he seems to darken all his virtues, by making him the introducer of publick corruption. But alas! whoever reads the annals of *Great-Britain*, will find that corruption has existed in every age. And perhaps when he reflects on the narrowness of this great man's fortune at his decease, he will think him less guilty: for what private views could he have in corrupting others, when he himself had so great a disregard to wealth, as to let every opportunity slip of enriching himself? sure nothing can be more improbable, nothing more inconsistent with the rest of his character.

An



An Authentick

C O P Y

Of the Last

Will and Testament

Of the Right Honourable

*R****t E**l of O****d.*

THIS is the Last Will and Testament of me *R——t, E——l of O——d*; I give and bequeath unto my son *E——d W——le*, the sum of five thousand pounds, to be paid

B

to him within one year after my decease, with Interest for the same, in the mean time, at the rate of four pounds by the hundred, for a year; and which, I declare my intentions to be, shall be paid to him, over and above a certain legacy given to him by the Last Will and Testament of *H——tio W——le* Esq; my late uncle deceased, amounting to about the sum of seven hundred pounds, which was heretofore received by me, for the use of my said son; and which said legacy, so given him, by my said uncle, with such interest as shall appear to be due for the same, I do hereby direct to be paid to my said son, over and above the said legacy of five thousand pounds. And I likewise give and bequeath unto my said son, his executors, administrators and assigns, all that house in *Pall-Mall*, lately erected by me, and wherein he now lives, for the residue of my term and interest therein yet to come and unexpired. And I give and bequeath unto my

my son *H——tio W——le*, the sum of five thousand pounds to be likewise paid to him, within one year after my decease, with the like interest for the same, in the mean time, after the rate of four pounds by the hundred for a year. And I also give and bequeath unto my said son *H——tio W——le*, his executors, administrators and assigns, all that my house in *Arlington Street*, now in the possession of Dame *

L——be for the residue of my term and interest therein to come and unexpired; but upon this condition nevertheless, that he, and they permit and suffer my daughter *Lady M——a W——e*, and *If——la L——ve*, now living with me, to dwell and inhabit in the said house, until my said daughter shall happen to marry; my said daughter and the said *I——la L——ve* paying to my said son the yearly rent of one hundred

* So in the Original.

pounds, by quarterly payments, at the four most usual feasts, or days of payment in the year. And I give and bequeath all those annuities payable at the exchequer, upon certain tallys and orders, at the rate of three pounds and ten shillings *per cent. per annum*, commonly called, *The three und a half per cent. annuities*, and charged upon the duties of paper, or some other funds settled by act of parliament, for the payment and security of the same, at the rate of three pounds and ten shillings *per cent. per annum*, and in the purchase of which, the sum of twelve thousand pounds was paid and advanced into his Majesty's exchequer, by Dame M——a W——le, my late wife, before my intermarriage with her (and to which, by certain articles of agreement made previous to my said marriage, or as administrator to her, or otherwise, I am now intitled) unto the Right honourable Sir J——n W——les Knight, Lord chief Justice of his

his Majesty's Court of Common Pleas at *Westminster*, and the said *If——la L——ve*, whom I have herein after appointed guardians and trustees for my said daughter Lady *M——a W——le*, upon trust they do pay and apply the whole interest and produce of the said annuities towards the maintenance and support of my said daughter, the better to enable her to live and cohabit with the said *If——la L——ve*, in the manner I already have, or hereafter shall direct, and appoint, by any deed, or writing, under my hand and seal, or by any codicil to this my Will attested, by two or more credible witnesses, until my said daughter shall be married, and upon such her marriage, then, upon trust that my said trustees do assign and transfer the the said annuities, tallys and orders, and all and every sum and sums of money secured thereon unto my said daughter, to whom, in such case, I give and bequeath the same: But in case my said daughter

daughter shall happen to die unmarried, then, I give and bequeath the said annuities, tallies and orders, and all and every sum and sums of money secured thereon, to my son *R——t Lord W——le*, and my said sons *E——d* and *H——tio W——le*, to be equally divided between them, share and share alike: And I also give and bequeath unto the said Sir *J——n W——lles* and *I——la L——ve* all my right, title, interest, claim and demand whatsoever, into, or out of all that the manor of *Chedsea*, otherwise *Chedzoy*, in the county of *Somerset*, heretofore the estate of Dame *Pr——la Ro——le* deceased, and by her devised to her executors, to be sold for the purposes mentioned in her Will; and also into and out of all those lands called *Northwood* and *Edlaston*, in the parish of *Wem*, in the county of *Salop*, heretofore mortgaged by Sir *Ch——les Ad——s* Baronet, deceased, to the said Dame *Pr——la R——le*, and afterwards released

released by Sir St——ge Jo——lyn,
 Baronet, deceased, to D——il On——w
 Esq; subject to the trusts in her Will ; and
 also all and every sum and sums of money
 charged or chargeable on the said several
 estates, or either of them, and to which
 I am in any wise intitled, by my said
 marriage with my said late wife ; or as
 administrator to her, or otherwise how-
 soever, unto the said Sir J——n W——s
 and Is——la L——ve, upon trust that
 they do likewise pay and apply all the
 rents and profits, income and produce
 thereof, towards the better maintenance
 and support of my said daughter, in the
 manner in this my Will before directed,
 until my said daughter be married ; and
 upon such her marriage, then, upon
 trust that my said trustees do convey,
 assign and transfer such my interest in
 my said lands, in the counties of *Somer-*
set and *Salop*, and of all and every sum
 and sums of money charged or chargeable
 thereon, unto my said daughter, to whom

I then give and bequeath the same : But in case my said daughter shall happen to die unmarried, then and in such case, I give and bequeath the same unto my said son, the said Lord *W——le* ; and in these my gifts and bequests of the said annuities, and of my interest in the said lands, in the said counties of *Somerset* and *Salop*, to, or in trust for my said daughter, I do declare, that as she is the only daughter of my said late wife, from whom I am, as aforesaid, intitled to the same, I think my self obliged, in honour, justice and conscience, to make the aforesaid gifts and bequests unto my said daughter, especially as there is no charge or incumbrance whatever arising from my intermarriage with her, the said mother, which any wife affect my real or other personal estate, or my family settlements or dispositions in any degree whatsoever. And I do hereby ratify and confirm the several provisions and trusts created and
made

made for my said daughter, in and by one indenture tripartite, and by one deed poll, bearing date, respectively, the twelfth day of *August*, in the year of our Lord, one thousand seven hundred and thirty eight; and I do hereby declare, that I do not intend, by any gift or bequest, to or in trust for my said daughter, in this my Will, to revoke, or make void any of the trusts, limitations or provisions, in and by the said indenture tripartite, or deed poll, or by any other deed or writing whatsoever, created, limited and declared, for, or in trust for my said daughter; but that my said daughter shall have the full benefit thereof, notwithstanding the provisions hereby made for her. And I give and bequeath unto Sir *J——n W——es* and *I/——la L——ve*, all my jewels, diamonds, pearls, rings, ear-rings, buckles, and all other things of the like kind (except such as I have herein after otherwise disposed of) upon trust that they do permit

and suffer my said daughter to use and wear the same, until she shall happen to marry; and on such her marriage, my Will is, that she shall have and take my said jewels, diamonds, pearls, rings, ear-rings, buckles, and all other things of the like kind to her own use, and to whom I then give and bequeath the same: But in case my said daughter shall happen to die unmarried, then and in such case, I give and bequeath the same unto my eldest son the said Lord *W——le*: And I do direct, that immediately after my decease, a true inventory or particular be taken and made of the same, and signed by my said daughter and my said trustees; and that one copy thereof so signed, be delivered unto my said daughter; another copy thereof so signed, be delivered unto my said trustees; and one other copy to my said son, the said Lord *W——le*; that the particulars of them might be the better known. And I do hereby make

and

and appoint the said Sir *J———*
W———les and *If———la L———ve*
 trustees and guardians for my said daughter, until she shall attain the age of one and twenty years, or be married. And I give and bequeath unto my said son, the said Lord *W———le*, one large diamond ring, given me by the prince of *Orange*, and my ruby ring, usually worn by me, and my onyx George, with the diamonds set and affixed to the same, or thereunto belonging. And I hereby give and bequeath unto

Pl——el, son of *St———rd Pl———el*, brother to my said late wife, all that farm and lands in the county of *Oxford*, which I hold by lease from *St. John's College*, in *Oxford*, for so many years of my term and interest therein as shall run out in his life time; and from and after his decease, I give and bequeath the remainder of my term and interest therein unto my said daughter, her executors, administrators *and* af-

signs. And I give and bequeath unto *Ka——ne D——y*, now living with *C——y D——y*, her mother, one annuity or yearly sum of one hundred pound to be paid unto her, for and during the term of her natural life, by four equal quarterly payments in the year; that is to say, at the feasts of the Annunciation of the Blessed Virgin *Mary*, the Nativity of St. *John* the Baptist, St. *Michael* the Archangel, and the Nativity of our Lord *Christ*; the first of the said payments to be made on such of the said feast days as shall first happen after my decease: And I give and devise to the said *K——e D——y*, and the heirs of her body, all that the perpetual advowson of and to the church of *Peldon*, in the county of *Essex*: But in case she shall happen to die without such issue, then I give and devise the same to my said son, the said Lord *W——le*, his heirs and assigns for ever. And I do direct that all my pictures in my house at *Chelsea* be removed

from

from thence, as soon as conveniently can be done after my decease, to my house at *Houghton*, in the county of *Norfolk*: And I give and bequeath all such pictures so to be removed, and all my pictures, household goods, furniture and utensils in, and belonging to my said house at *Houghton*, and in the offices and gardens thereto appertaining, unto my said sons *Ed——d W——le* and *H——tio W——le*, in trust to permit the same to be used and enjoyed, (but not to be sold, or disposed of) by the respective persons to whom the freehold or inheritance of the said house at *Houghton* shall, for the time being, by virtue of the settlement made thereof on the marriage of my eldest son the said Lord *W——le*, belong or appertain; To the intent the same pictures, household goods, furniture and utensils may as in the the nature of heir-looms with the said house, as far as the rules of law and equity will permit. And I do hereby charge all such manors, lands, tenements,
 he-

hereditaments which I have purchased
 since the said settlement made on
 the marriage of my said son, the said
 Lord *W—le*, and of which I am
 seized in fee, or have a power to dis-
 pose of, with the payment of so much
 and such part of my debts and pecuniary
 legacies, in and by this last Will given
 and bequeathed, or which, by any codi-
 cil, or writing, under my hand, I shall
 hereafter give, bequeath, and dispose of,
 as my personal estate shall fall short, or
 be deficient to pay; and subject thereto
 I give and devise the same manors, lands,
 tenements and hereditaments unto my
 said son, the said Lord *W—le*, his
 heirs and assigns for ever. And I do give
 and bequeath all the rest and residue of
 my ready money, securities for money,
 goods, chattels, personal estate whatso-
 ever, not herein before otherwise ordered
 and disposed of, unto my said son, the
 said *R—t* Lord *W—le*, and I do
 hereby constitute and appoint my said
 son,

son, *R—t* Lord *W—le*, sole Executor
 of this my last Will and Testament,
 hereby revoking all former wills, by
 me made, IN WITNESS whereof
 I have to this my last Will and Testa-
 ment, containing four sheets of paper,
 to each of which sheets I have set my
 hand, and my hand and seal to the last
 sheet thereof, this fifteenth day of *March*,
 in the fifteenth year of the reign of our
 Sovereign Lord King *George* the Second;
 and in the year of our Lord, one thou-
 sand, seven hundred and forty one

Signed, Sealed Published and declared,
 by the said Testator, as and for his
 Last Will and Testament, in the
 presence of us, who, at the request
 of the said Testator, have attested
 the same, in the presence of the
 said Testator, and in the presence
 of each other. *M—ry M—n*,
Ed—d Ja—son, *Tb—as*
Aug—us Er—ys, *J—bn Jo—es*.

CODICIL,

*To be taken as Part of the WILL
of me R****, E** of O****,
which bears Date the
Day of **

WHEREAS I have in— by my
said Will, given and be-
queathed 12,000 pounds, in
exchequer annuities unto, and for
the benefit of my daughter, the Lady
Ma——ia W——le, in such man-
ner as is therein mentioned, AND
WHEREAS I have, since the making
of my said Will, disposed of 6000 pounds,
or one moiety of the said 12000 pounds,
Exchequer annuities, for other purposes,

* So in the Original.

AND

AND WHEREAS, by indentures of lease and release, bearing date respectively the thirteenth and fourteenth days of *June*, 1744. The release being tripartite, and made between my self of the first part, my said daughter, the Lady *M——a W——le* of the second part, and *J——hn Se——yn* Esq; and *H——ry Cr——ys* Gent. of the third part, I have secured the sum of 6000 pounds, to be raised and paid unto, and for the benefit of my said daughter, Lady *M——a W——le*, in such manner as is therein mentioned, NOW I do hereby declare, that the said sum of 6000 pounds so secured and provided for my said daughter, in and by the said indentures of lease and release, is so secured and provided for her, in lieu of, and as an equivalent compensation for the said 6000 pounds exchequer annuities, so otherwise disposed of, by me, as aforesaid. and therefore, in order to prevent any disputes relating to the said exchequer

annuities, so given and bequeathed, by my said Will, unto, and for the benefit of my said daughter, Lady *M—a, W—le*. IN WITNESS whereof I have hereunto set my hand and seal this fourteenth day of *June*, 1744.

O ——— D

Signed, Sealed, published and declared as a Codicil to be annexed to, and taken as part of the last Will and testament of the said *R—t* Earl of *O——d*, in the presence of us, *Th—as Aug—us Cr—ys, Fr——s D——wes, P——er, Ro——son.*

A N D by this my further Codicil, to my Will, I do declare, that the several lands, tenements and hereditaments, mentioned in the before mentioned indentures of lease and release, shall (subject to the trusts thereby declared, and the raising and payment of the said six thousand pounds, as therein mentioned) stand

And charged with the payment of my
my debts in such manner as I have direc-
ted, touching any other my lands, by
my said Will. And I do hereby charge
the same with the payment of my said
debts accordingly. IN WITNESS
whereof I have hereunto set my hand
and seal, this 23d day of June, 1744.

O ——— D.

Signed, Sealed, Published and Declared,
by the said Earl of O——d, as a
farther Codicil to be annexed to,
and taken as part of his last Will
and Testament. F——s J——n,
Tk——s F——n, P——r Ro——on,

*PROVED, at London (with Two
Codicils annexed) before the worship-
ful G——ge P——l, Doctor of Laws,
Surrogate, the twentieth Day of
March, in the year of our Lord one
thousand, seven hundred and forty
four*

four. By the oath of the Right Honourable R——t Earl of Or——d, the son of the deceased, and sole Executor, to whom Administration was granted, being first sworn duly to administer.

March, 1744

W——M L——D
P——R ST E——Y
H——Y S——s } Deputy Registers.

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F I N I S.